

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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INT SOCIEDAD ANOMINA,

17 Civ. 00514 (PKC)

Plaintiff

vs.

ANSWER

NEW RISE BRANDS HOLDINGS, LLC., APEX
BRANDS INTERNATIONAL LLC, IP HOLDINGS
UNLTD, LLC AND ALLYSON HACKMAN,

Defendants.
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Defendant New Rise Brands Holdings, LLC (“New Rise” or “Defendant”) by its attorneys Lazarus and Lazarus, P.C., as and for their Answer to the Complaint (“Complaint”) of Plaintiff INT Sociedad Anomina (“Plaintiff”) (hereinafter Defendant and Plaintiff are collectively referred to as the “Parties”), filed with the Court on March 16, 2017, set forth and allege as follows:

PARTIES JURISDICTION AND VENUE

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 1.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 2.
3. Admit to the truth of the allegations set forth in paragraph of the Complaint marked and numbered 3.
4. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 4.
5. See Defendants response as set forth in paragraph of the Complaint marked and

numbered 3.

6. See Defendants response as set forth in paragraph of the Complaint marked and numbered 4.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 7.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 8.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 9.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 10.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 11.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 12.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 13.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 14.

ALLEGATIONS RELATED TO ALL CLAIMS

15. Repeat and realleged each and every allegation provided herein.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 16.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 17.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 18.

19. Admit to the extent that former Iconix employees oversaw portions of Apex's operations and respectfully avers that the allegation is vague and ambiguous. Defendant reserves the right to replead.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 20.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 21.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 22.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 23.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 24.

25. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 25.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 26.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 27 but refer to the

books and records of Iconix and any party in receipt of the sums referred to in said paragraph.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 28.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 29 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

30. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 30.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 31 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

32. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 32.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 33 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

34. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 34.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 35 and instead

refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

36. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 36.

37. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 37.

38. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 38 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth regarding Iconix and Allyson Hackman.

39. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 39 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth regarding Iconix and Allyson Hackman.

40. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 40.

FIRST CAUSE OF ACTION
Against Apex

41. Repeat and realleged each and every allegation provided herein.

42. Denies the allegation set forth in the paragraph of the Complaint marked and numbered 42.

43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 43 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

44. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations as set forth in the paragraph of the Complaint marked and numbered 44 except refers the Court to the demand referenced for the content thereof.

45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 45 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 46.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 47.

SECOND CAUSE OF ACTION
Against New Rise

48. Repeat and realleged each and every allegation provided herein.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 49 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 50 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 51 except refers the Court to the demand referenced for the content thereof.

52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 52 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

53. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 53.

54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 54.

THIRD CAUSE OF ACTION
Against New Rise

55. Repeat and realleged each and every allegation provided herein.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 56 and instead refers the Court to the Invoices.

57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 57 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

58. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 58 and instead refers the Court to the statements of account referenced therein.

59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 59 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any

agreements entered into between the parties.

60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 60 as it is a conclusion of law.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 59 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 62.

63. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 63.

FOURTH CAUSE OF ACTION
Against New Rise

64. Repeat and realleged each and every allegation provided herein.

65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 61 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 66 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

67. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations as set forth in the paragraph of the Complaint marked and numbered 67 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 68 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 69.

70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 70.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 71.

FIFTH CAUSE OF ACTION
Against Apex

72. Repeat and realleged each and every allegation provided herein.

73. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 73.

74. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 74.

75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 75.

76. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 76.

77. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 77.

78. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 78.

79. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 79.

SIXTH CAUSE OF ACTION
Against Iconix

80. Repeat and realleged each and every allegation provided herein.

81. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 81.

82. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 82.

83. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 83.

84. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 84.

85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 85.

86. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 86.

87. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 87.

SEVENTH CAUSE OF ACTION

Against Apex and Iconix

88. Repeat and realleged each and every allegation provided herein.

89. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 89.

90. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 90.

91. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 91.

92. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 92.

93. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 93.

94. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 94 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

95. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 95 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties.

96. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 96 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any

agreements entered into between the parties.

97. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 97.

98. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 98.

EIGHTH CAUSE OF ACTION

Against Allyson Hackman

99. Repeat and realleged each and every allegation provided herein.

100. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 100 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties and specifically denies that any act, conduct, or omission of Defendants render Defendants liable to Plaintiff herein for any claim or cause asserted in the Complaint.

101. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 101 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties and specifically denies that any act, conduct, or omission of Defendants render Defendants liable to Plaintiff herein for any claim or cause asserted in the Complaint.

102. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 102 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties and specifically denies that any act, conduct, or

omission of Defendants render Defendants liable to Plaintiff herein for any claim or cause asserted in the Complaint.

103. Denies knowledge or information sufficient to form a belief as to the truth of the allegations as set forth in the paragraph of the Complaint marked and numbered 103 and instead refers the Court to books and records reflecting, memorializing and recording the terms of any agreements entered into between the parties and specifically denies that any act, conduct, or omission of Defendants render Defendants liable to Plaintiff herein for any claim or cause asserted in the Complaint.

DEFENDANTS AFFIRMATIVE DEFENSES

- 104. Plaintiff fails to state a claim upon which relief can be granted.
- 105. Plaintiff's claims are barred against Defendant by documentary evidence.
- 106. Plaintiff's claims are barred against Defendant by the Statute of Frauds.
- 107. Plaintiff's claims are barred against Defendant by the doctrine of laches.
- 108. All of Plaintiff's causes of action are barred against Defendant for and on account of their failure to set forth more than conclusory allegations.
- 109. Plaintiff has failed, refused, and neglected to mitigate its alleged damages.
- 110. Defendant reserves the right to plead additional defenses that may be identified during the course of discovery.

WHEREFORE, Defendants respectfully demand judgment dismissing the Complaint of Plaintiff and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 12, 2017

LAZARUS AND LAZARUS, P.C.
*Attorneys for Defendant New Rise
Brands Holdings, LLC*

By: 

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